

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act S.B.C. 1995, C. 38

- by -

Archie Gordin
operating All Weather Waterproofing
("Gordin")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Geoffrey Crampton

FILE NO.: 96/301

DATE OF DECISION: **July 18, 1996**

DECISION

OVERVIEW

This is an appeal by Archie Gordin operating All Weather Waterproofing (“Gordin”), pursuant to Section 112 of the *Employment Standards Act* (the “Act”), against Determination No. CDET 001941. The Determination was issued by a delegate of the Director of Employment Standards on April 12, 1996 and found that Gordin owed wages to Sylvain Labranche (“Labranche”) for overtime hours worked, statutory holiday pay and vacation pay.

Gordin’s appeal disputes the amount of overtime wages owed to Labranche and states that “further information will follow.”

The Tribunal acknowledged receipt of Gordin’s appeal on May 7, 1996 and informed him that any documents provided by the Director would be sent to him. Those documents were sent to Gordin on June 7, 1996 with a requirement that any response or submission was to be received by the Tribunal no later than June 20, 1996. The Tribunal has not received any response to date.

Section 114 (1)(c) gives the Tribunal authority to dismiss an appeal if it is satisfied that the appeal is “frivolous, vexatious or trivial or is not brought in good faith.” Gordin’s lack of response satisfies me that this appeal may be dismissed under the criteria set out in Section 114 (1)(c) of the *Act*.

ORDER

I order, pursuant to Section 115 of the *Act*, that the Determination be confirmed.

Geoffrey Crampton
Chair
Employment Standards Tribunal

GC:sf